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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,350	02/09/2005	Sergey Vasilievich Marutian	P06835US00	2639
22885 7590 08/22/2007 MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721			EXAMINER BAREFORD, KATHERINE A	
			ART UNIT 1762	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/500,350

Applicant(s)

MARUTIAN ET AL.

Examiner

Katherine A. Bareford

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: (1) the proposed amendment to claim 1 adds new features not previously claimed as to preheating and mandrel test results and thus raises new issues that would require further consideration and/or search by the Examiner. The amendments also raise the issue of new matter as there is no indication where application without preheating is provided in the disclosure as originally filed, and the Examiner does not see such present, furthermore, it is unclear where support for achieving a "Mandrel test of 10 mm" is provided for the range of zinc, silicon, magnesium, and tin amounts claimed. The only disclosure in Table 2 is to a specific point within the claimed ranges. It is further unclear under 35 USC 112 if "Mandrel Test" would be clear to one reading the application. (2) as to proposed new claims 2-5, they all have features not previously claimed, and thus raise new issues that would require further consideration and/or search by the Examiner. As well, they all refer to the "Mandrel test of 10 mm" as discussed in (1) above, and raise issues of new matter and 35 USC 112 as discussed in that section above. As well, claim 2 provides for applying the coating without "introduction of copper to the melt". This would raise the issue of new matter, as there is no mention in the disclosure as filed as to this feature. As well, claim 4 refers to applying the coating without preheating which would raise the issue of new matter, as there is no mention in the disclosure as filed as to this issue. (3) As well, the differing features of the new independent claims raise the issue of providing a restriction of invention or species.

Continuation of 11. does NOT place the application in condition for allowance because: (1) the objection to the specification is not overcome as the proposed amendment is not entered as discussed in Box 3 above. (2) As to the arguments as to the rejection using Rallis in view of Japan '213, applicant's arguments are directed to the claims as proposed to be amended. As the proposed amendment is not entered, as discussed in Box 3 above, the rejection is maintained for the reasons given in the Final Rejection of 3/16/07, (3) As to the arguments as to the rejection using Gierke in view of Rallis and Japan '213, applicant's arguments are directed to the claims as proposed to be amended. As the proposed amendment is not entered, as discussed in Box 3 above, the rejection is maintained for the reasons given in the Final Rejection of 3/16/07, As to the argument that Gierke does not disclose the multiple alloying materials, at the least Rallis and '213 provide the teaching and suggesting of providing multiple alloying materials (4) As to the proposed new claims 2-5, as these claims are not entered as discussed in Box 3 above, applicant's arguments do not apply.


KATHERINE BAREFORD
PRIMARY EXAMINER